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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,099	02/06/2006	Naoki Muramatsu	9683/230	5656

757 7590 07/31/2006
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EXAMINER

KARIKARI, KWASI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/525,099	MURAMATSU ET AL.	
	Examiner	Art Unit	
	Kwasi Karikari	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/17/2005 is in compliance with the provision of 37 CFR 1.97, has been considered by the Examiner, and made of record in the application file.

Drawings

3. The drawing is objected to because of an inappropriate labels. For example, Fig 3, needs English translation the labels under "user's name". The inappropriate labels in the rectangular box are not descriptive, and therefore incomplete. See 37 CFR 1.83(a) and 1.84(o). A proposed drawing correction or corrected drawing is required in reply to the Office action to avoid abandonment of the application. The objection to the drawing will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4-5 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter of a computer program. A process not claimed as embodied in computer-readable media is non-functional descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a process per se held nonstatutory). Therefore, since the claimed program are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101. Claim 5 is also rejected for fully incorporating the deficiencies of the claim 4 from which it depends. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. *The following is a quotation of the second paragraph of 35 U.S.C. 112:*

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 5, the applicant recites the limitations "the computer product", however, there are insufficient prior antecedent basis for these limitations in the claim. For examination purposes the examiner is considering claim 5 as being dependent on claim 4. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim1 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al., (U.S 20030101264 A1), (hereinafter Yamada)

The applied reference has a common assignees (YAMADA, KAZUHIRO and YAMAMOTO, MASAAKI) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of

Art Unit: 2617

this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding **claims 1 and 4**, Yamada discloses a communication terminal

(Fig. 1, item 10), comprising:

means for communicating with a server apparatus (server 40, see Fig. 1);

means for storing one or a plurality of server apparatus IDs, each of the server apparatus IDs uniquely identifying a server apparatus of a destination (storage of port number and host name, see Pars. [0012-14]);

means for specifying a server apparatus of a destination by selecting a server apparatus ID from the one or plurality of server apparatus IDs stored in the storing means (using destination port number access the resource, see Pars. [0012-14]);

an execution environment, in which an application is executable (executing the software, see Par. [0012]),

wherein in a case that an application running in the execution environment requests connection to a server apparatus specified by the specifying means, the execution environment declines the request from the application (not permitting access, see Par. [0014]).

Regarding **claim 2**, as recite in claim 1, Yamada discloses the communication terminal, wherein the storing means stores a server apparatus ID of a destination and

Art Unit: 2617

communication path information including a routing path ID, the routing path (Uniform Resource Locators (URL), see Par. [0051-52]). ID identifying a routing path for routing from the communication terminal itself to a server apparatus of a destination specified by the server apparatus ID, and the specifying means specifies the server apparatus by selecting the communication path information (see Par. [0051-52]).

Regarding **claim 3**, as recite in claim 2, Yamada discloses that the communication terminal, further comprising;

means for extracting, from the storing means, path information including the same routing path ID as the routing path ID included in the routing path information selected by the specifying means, wherein the execution environment declines a request from the application for connection to the server apparatus identified by the server apparatus ID, the server apparatus ID being included in the path information extracted by the extracting means (see Pars. 0051-52 and 0014).

Regarding **claim 5**, as recite in claim 4, Yamada discloses the computer program product, wherein first communication path information is stored in the storing means, the first communication path information including a server apparatus ID of the destination and a routing path ID identifying a routing path for routing from a communication terminal to a server apparatus of a destination specified by the server apparatus ID (Uniform Resource Locators (URL), see Par. [0051-52]), and the (first) communication path information is read from the storing means in the reading process;

second communication path information is extracted from the storing means the second communication path information including the same routing path information as the routing path ID included in the read (first) communication path information (see Pars. 0051-52 and 0014);

a list of inhibited destinations is generated in the data generating process on the basis of the server apparatus ID of the destination included in the first path information and the server apparatus ID of the destination included in the second communication path information (see Pars. 0051-52 and 0014).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peon et al. (U.S. 6,978,129) teaches telephone with dynamically programmable push buttons for access to advance application.

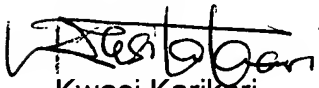
Dougu et al. (U.S. 20030028532 A1) teaches method of and apparatus for controlling access to the internet in a computer system and computer readable medium storing a computer program.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).


Kwasi Karikari
Patent Examiner.


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER